

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CHERYL HALE

104-B Wyandot Drive
Lebanon, Ohio 45036

Plaintiff,

V.

**ENHANCED RECOVERY COMPANY,
LLC**

c/o Capitol Corporate Services, Inc.
4658 Mayfield Road, Suite 204
Cleveland, Ohio 44121,

Defendant.

) Case No: 1:13-cv-781
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) JURY DEMAND REQUESTED
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) **CIVIL COMPLAINT**
) **(Unlawful Debt Collection Practices)**
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COMPLAINT

PLAINTIFF, Cheryl Hale (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, Enhanced Recovery Company, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.

4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in the City of Lebanon, Warren County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by 15 *U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in 15 *U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Delaware limited liability company and debt collector with an office in Jacksonville, Florida.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 *U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Beginning in approximately November 2012 and continuing into at least December 2012, the Defendant has placed telephone calls from (800) 576-2046 to the Plaintiff at (513) 228-0177 in connection with Defendant’s attempts to collect an allegedly due and owed consumer debt.

11. Defendant places excessive collection calls to Plaintiff for the purposes and intent of annoying or harassing her.
12. For a period of three weeks beginning in approximately December 2012 and continuing into at least January 2013, Defendant has called Plaintiff three times per week attempting to secure location information related to Plaintiff's daughter.
13. Plaintiff has informed the Defendant that they are calling the wrong number and despite being so informed, Defendant continues to call.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692b(3) by, in a communication with a person other than the consumer, communicating with that person more than once unless requested to do so by that person, or without the reasonable belief that the earlier response was erroneous or incomplete and that the person now has correct or complete location information.
 - b. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
 - c. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

WHEREFORE, Plaintiff, Cheryl Hale, respectfully requests judgment be entered against Defendant, for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Cheryl Hale, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

/s/ J. Daniel Scharville

J. DANIEL SCHARVILLE (0071132)

dscharville@kahnandassociates.com

6200 Rockside Woods Blvd., Suite 215

Independence, Ohio 44131

Ph.: (216) 621-6101

Fax: (216) 621-6006

Attorney for the Plaintiff